

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JOHN FAUTENBERRY, :
Petitioner. : DEATH PENALTY CASE
vs. : Case No.: C1-00-332
BETTY MITCHELL, WARDEN, : JUDGE: GRAHAM
Respondent. : MAGISTRATE JUDGE: KEMP

**PETITIONER JOHN FAUTENBERRY'S
NOTICE OF APPEAL**

Dennis L. Sipe, #0006199
BUELL & SIPE CO., L.P.A.
322 Third Street
Marietta, OH 45750
(740) 373-3219 (Phone)

W. Joseph Edwards
495 South High Street
Suite 100
Columbus, OH 43215
(614) 224-8166

Counsel for Petitioner,
John Fautenberry

Betty D. Montgomery
Attorney General

Timothy D. Prichard, #0059455
Henry Appel, #0068479
Assistant Attorney Generals
Capital Crimes Section
30 East Broad Street, 23rd Floor
Columbus, OH 43215
(614) 728-7055 (Phone)

Counsel for Warden Mitchell

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**PETITIONER JOHN FAUTENBERRY'S
NOTICE OF APPEAL**

Petitioner, John Fautenberry, through the undersigned counsel, and pursuant to Federal Rule of Appellate Procedure 4(a)(1), hereby gives notice of his appeal to the United States Court of Appeals for the Sixth Circuit from the final judgment entered on April 11, 2005, denying habeas relief [Doc. 103 and 104] and prior rulings, including, but not limited to, the order granting of limited discovery [Doc. 51], the order granting in part the Warden's motion to dismiss procedurally defaulted claims [Doc. 52], order denying petitioner's motion for an evidentiary hearing [Doc. 95] and the order denying disclosure of grand jury proceedings.

Respectfully submitted,

Dennis L. Sipe, #0006199
BUELL & SIPE CO., L.P.A.
322 Third Street
Marietta, OH 45750
(740) 373-3219 (Phone)
(740) 373-2892 (Fax)

W. Joseph Edwards
495 South High Street
Suite 100
Columbus, OH 43215
(614) 224-8166 (Phone)

Counsel for Petitioner,
John Fautenberry

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he served a copy of the within *Petitioner John Fautenberry's Notice of Appeal* was filed electronically on May 11, 2005. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access the filing through the Court's system.

Dennis L. Sipe
Counsel for Petitioner,
John Fautenberry